IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 25885 of 2005(F)

OS.849/1996 of PRL.SUB COURT,THRISSUR

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PETITIONERS:

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1. JOSE, AGED 56, S/O. CHITTILAPPILLY MATHEW, PERAMANGALAM VILLAGE, THRISSUR TALUK.

2. ALICE JOSE, AGED 54, W/O. JOSE, PERAMANGALAM VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THOMAS, S/O. LAZAR, MURINGATHERI HOUSE, KOLAZHI VILLAGE DESOM, THRISSUR TALUK.

2. RAMACHANDRAN, S/O. CHEMMANGATTUVALAPPIL GOPALAN EAZHUTHASSAN, PUZHAKKAL VILLAGE, CHOORAKATTUKAR DESOM, THRISSUR TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE PLAINT IN OS NO.846/03 ON THE FILE OF THE SUB COURT, THRISSUR DT.22.10.03.

EXT.P2 : TRUE COPY OF THE DOUCMENT NO.4478/95 DT.10.10.95 OF MUNDUR SRO.

EXT.P3 : TRUE COPY OF THE JUDGMENT IN OS NO.849/96 DT.19.8.00 ON THE FILE OF THE SUB COURT, THRISSUR.

EXT.P4 : TRUE COPY OF EA NO.1582/05 IN EP NO.628/01 IN OS NO.849/96 DT.23.8.05.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 25885 OF 2005

Dated this the 15th day of June, 2007

JUDGMENT

This writ petition is filed seeking a direction for an early disposal of Ext.P1 suit filed by the petitioners before the Sub Court, Thrissur and also for an early disposal of Ext.P4 application for an order to restrain further alienation of the property pending disposal of the suit. While admitting this Writ Petition, this court ordered that any alienation by permission subsequent to the filing to the Writ Petition will be subject to the result of the Writ Petition. The suit is of year 2000 and in all probability the suit has been disposed of by this time. The Writ Petition will stand disposed of with the following directions:

If Ext.P1 suit is even now pending before the Sub Court, that court will special list Ext.P1 suit in the earliest available special list for trial and dispose of the same in accordance with law. Any alienation by the parties in Ext.P1 suit will be subject to the final outcome of Ext.P1 suit. If Ext.P1 is already disposed of, it is open to the petitioner to pursue his remedies available to him under the CPC against the judgment and decree, if they are against him.

PIUS C. KURIAKOSE, JUDGE

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